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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

DAVID M. CURLEY, SR.,

Plaintiff,

v.

WELLS FARGO & CO., and others,

Defendants.

Case No. 13-cv-03805 NC

**AMENDED ORDER OF
DEFICIENCY**

Re: Dkt. Nos. 73, 74

19 On March 12, 2014, the Court held a case management conference in this mortgage
20 foreclosure case. Dkt. No. 70. Plaintiff's counsel indicated that plaintiff would move for
21 leave to file an amended complaint, and the Court set a briefing schedule and hearing for
22 that motion. *Id.* On April 1, 2014, plaintiff filed a motion for leave to amend the
23 complaint. Dkt. No. 73. However, plaintiff did not properly file the motion in ECF so as to
24 trigger the hearing date. In addition, plaintiff failed to file a proposed amended complaint,
25 but instead filed a proposed amendment to the complaint. Dkt. No. 74. This is inadequate.
26 *See* Civil L. R. 10-1 ("Any party filing or moving to file an amended pleading must
27 reproduce the entire proposed pleading and may not incorporate any part of a prior pleading
28 by reference.").

Case No. 13-cv-03805 NC
ORDER OF DEFICIENCY

1 Plaintiff is ordered to file, within six days of this order, a proposed amended
2 complaint including the claim that survived summary judgment, the proposed new claims,
3 and all facts supporting these claims. Plaintiff must also re-file his motion to amend the
4 complaint, following the ECF Guidelines for the Northern District of California. *E-Filing*
5 *Events Within ECF*, United States District Court, Northern District of California,
6 <http://www.cand.uscourts.gov/pages/990#04>.

7 Defendant must respond to the motion by April 28, 2014. Plaintiff must file a reply
8 by May 2, 2014. The hearing on plaintiff's motion will be heard May 7, 2014 at 1:00 p.m.
9 in Courtroom A.

10 IT IS SO ORDERED.

11 Date: April 16, 2014



Nathanael M. Cousins
United States Magistrate Judge